

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE JONES,

Plaintiff,

Case No. 2:04-cv-01933 ALA (P)

vs.

LIEUTENANT E. SANDY, et al.,

Defendants.

ORDER

Plaintiff Leslie Jones ("Petitioner") is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Petitioner's request to supplement his exhibit list. (Doc. 157.) For the reasons set forth below, the request will be granted in part and denied in part.

On October 3, 2008, the Court issued its pretrial order. (Doc. 130.) In the pretrial order, the Court stated that an exhibit not already listed by a party could not be introduced at trial unless: (1) the exhibit could not reasonably have been discovered earlier; (2) the Court and the opposing party were promptly informed of the exhibit's existence; and (3) the proffering party forwarded a copy of the exhibit to the opposing party. (Doc. 130 at 8-9.)

Petitioner now requests the Court allow him to supplement his exhibit list by adding: (1) two cell/bed area search receipts that appear to be dated September 25, 2003; (2) an inmate

1 property inventory list for Petitioner that appears to be dated August 27, 2003; and (3) an
2 affidavit from Tyrone C. Wright, dated September 2, 2003. (*See* Doc. 157, Exs. A-C.) Having
3 failed to satisfy the requirements outlined above – namely, having failed to demonstrate that the
4 exhibits could not have been discovered earlier and having failed to promptly inform the Court
5 of the existence of these exhibits notwithstanding the purported delay in receiving them –
6 Petitioner’s request is DENIED on these grounds. However, for the reasons stated in a previous
7 order, the Court permits Petitioner to supplement his exhibit list to include the September 2,
8 2003 affidavit of Tyrone C. Wright, subject to a challenge by Defendant. (*See* Order re: renewed
9 request for the attendance of Tyrone C. Wright at trial.)

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11 DATED: November 26, 2008

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13 /s/ Arthur L. Alarcón
14 UNITED STATES CIRCUIT JUDGE
15 Sitting by Designation
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